

# Notice of Allowability

Application No.

10/774,540

Examiner

Matthew J. Kasztejna

Applicant(s)

OKADA ET AL.

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview conducted on 6/6/7.

2. ☒ The allowed claim(s) is/are 2, 4-18 21-23 147

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some\* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joshua M. Provsner on June 6, 2007.

The application has been amended as follows:

2. (Currently Amended) An endoscope comprising: an inserting tube to be inserted into a human body; a first optical system fixed in a tip end of said inserting tube for observing in vivo tissues within a human body at a first magnification; ~~and a second optical system fixed in the tip end of said inserting tube for observing the in vivo tissues at a second magnification that is higher than the first magnification; and a tip body mounted on a distal end of said inserting tube, said tip body holding said first optical system and said second optical system,~~ wherein a portion of said second optical system is within the field of view of said first optical system, and wherein a position of said first optical system is fixed in relation to a position of said second optical system within a single inserting tube.

3. (Cancelled)

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The following is an examiner's statement of reasons for allowance: The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest the apparatus and method as recited in claims 2-18 and 21-23 of the instant invention comprising, *inter alia* an endoscope having a first optical system at a first magnification; a second optical system at a second magnification that is higher than the first magnification, a tip body mounted on a distal end of said inserting tube, said tip body holding said first optical system and said second optical system wherein a portion of said second optical system is within the field of view of said first optical system, and wherein a position of said first optical system is fixed in relation to a position of said second optical system within a single inserting tube.

Takahashi et al. (U.S. Patent No. 3,643,653) disclose an endoscope comprising: an inserting tube 5 to be inserted into a human body; a first optical system 6 fixed in a tip end of the inserting tube for observing in vivo tissues within a human body at a first magnification; and a second optical system 15 fixed in the tip end of the inserting tube for observing the in vivo tissues at a second magnification that is higher than the first magnification (see Col. 4, Lines 11-15), wherein a portion of the second optical system is within the field of view of the first optical system, and wherein a position of the first optical system is fixed in relation to a position of the second optical system within a single inserting tube (see Col. 4, Lines 16-55 and Figs. 1, 3 and 6). However, Takahashi et al. does not disclose or suggest any such "tip body holding said first optical system and said second optical system" as claimed in the instant invention.

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Rather, the objective lens system 15 is provided in the flexible tube 14 which is slidable in the channel 11 of the elongated tube 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

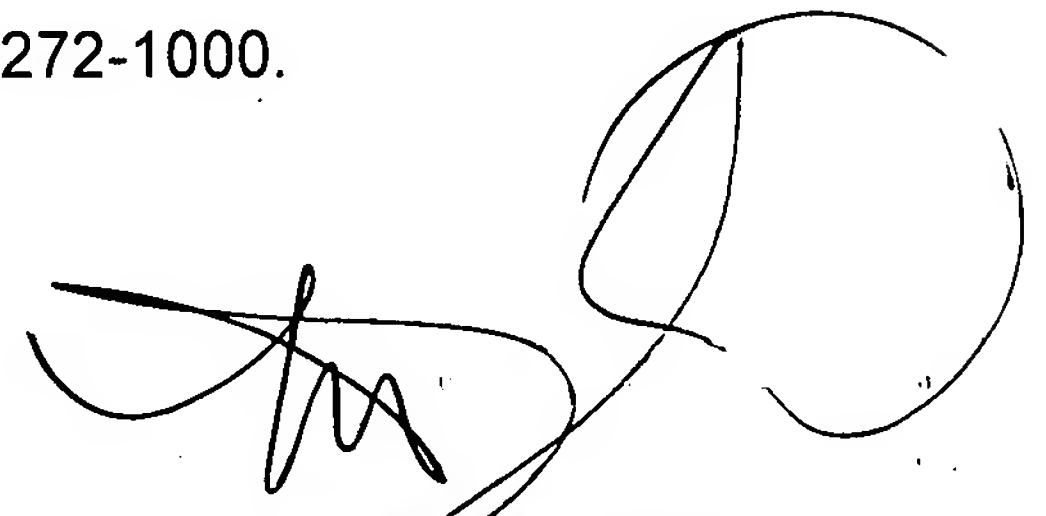
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK



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